



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,334	06/10/2000	STEFAN ROVER	18645-00023	6673

7590 08/03/2006

ARMSTRONG TEASDALE LLP
ATTN: John S. Beulick
One Metropolitan Square
Suite 2600
St. Louis, MO 63102

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/530,334	ROVER ET AL.	
	Examiner	Art Unit	
	Minh Dieu Nguyen	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 May 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-48 is/are pending in the application.

4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.

5) Claim(s) 13-40 and 46-48 is/are allowed.

6) Claim(s) 41-45 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/17/2006.
- Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- Notice of Informal Patent Application (PTO-152)
- Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication dated May 17, 2005 with the amendments to claims 41-45.
2. Claims 13-48 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 41-45 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

4. The information disclosure statement filed May 17, 2006 (items OA, OC and OF) fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonstromer (6,142,369) in view of Belpaire (EP 0777394).

a) As to claim 41, Jonstromer discloses a method for conducting electronic financial transactions using a smartcard with mobile phone (i.e. a method for operating a wireless device) comprising receiving a message at the wireless device (col. 4, lines 25-27); displaying at least a portion of the message (it is inherently understood that the message is displayed on a visual display unit, Fig. 1, element 6); accepting input from the user indicating the received message is to be signed (col. 4, lines 28-32, lines 42-44); generating a corresponding signed message (col. 4, lines 32-35) and transmitting the signed message (col. 4, lines 35-42).

Jonstromer does not explicitly disclose an electronic message transmitted to the wireless device from a source external to the device.

Belpaire is relied on for the teaching of having an electronic message transmitted to the wireless device from a source external to the device (col. 5, lines 52, 58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of having an electronic message transmitted to the wireless device from a source external to the device in the system of Jonstromer as Belpaire teaches so as to transmit information electronically.

b) As to claim 42, Jonstromer as modified above discloses the public key process is used for signing (col. 4, lines 47-52), particularly a public key process in which the signing unit has an associated secret key (col. 4, lines 37-41) and , in

particular, the receiver has a corresponding public key so that the signed message transmitted to the receiver can, optionally, be compared with the original message and identified as authentic (col. 6, lines 36-41).

- c) As to claims 43-44, Jonstromer as modified above discloses the memory for storing the algorithm is located within a chip card of the wireless device (col. 1, lines 28-44, i.e. chipcard acts as a SIM for the mobile phone, SIM carries a variety of information including asymmetric ciphers, keys for encryption and electronic signing).
- d) As to claim 45, Jonstromer as modified above discloses the wireless device is a mobile radio telephone (Fig. 1, element 4).

Allowable Subject Matter

7. Claims 13-40 and 46-48 are allowed.

The reason for allowance is addressed in the previous office action.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2137

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
7/27/06

Gilberto Barrón Jr.
GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100